Remarks

Applicant respectfully requests entry of the above amendment and reconsideration in view of the amendment and the following remarks.

The status of the application is as follows. Claims 1 and 2 remain pending in the application. The Examiner has objected to the drawings for lacking labels of certain blocks in Figure 1. The Examiner has objected to the specification for allegedly containing an improper abstract, and for lacking section headings. Claim 1 is rejected under 35 U.S.C. §102(b) as allegedly being anticipated by US 4,561,082 to *Gérard et al.* Claim 2 stands rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Gérard et al.* in view of US 5,636,197 to *Tateishi.* Applicant respectfully traverses the §102 and §103 rejections with the following arguments.

In the Drawings

The drawings have been objected to for lacking labels of certain blocks in Figure 1. Applicants note that the drawings have been revised herein in accordance with the Request for Approval of Drawing Corrections attached hereto.

In the Specification

The specification has been amended herein to include section headings as well as an amended abstract. No new matter is believed added.

Rejections under 35 U.S.C. §102

The Examiner rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by Gérard *et al.*

Gérard et al. relates to a process and system for optical recording and reading on a data carrier, wherein the data carrier comprises sites formed of virgin areas free from any data recording. A radiation beam, for example a laser beam, is focused on the data carrier to read and/or write data. *Gérard* et al. discloses control circuitry which includes sampling circuits 12

(Figure 5). The sampling circuits "generate operation enabling signals [which are] transmitted to circuits 11 centered on the time intervals corresponding to recording of logic states "0", *i.e.*, track areas 7[3] without etchings". (See col. 8, lines 56-59, and Figure 4). Further, a measurement signal (*i.e.*, detected signal V_D) is produced by a detector when the data carrier is read. However, the measurement signal is sampled only during an analysis window. This analysis window is defined as occurring only when two conditions are met. First, the scanning spot is between two areas that are without etching, that is, a logic "0" must occur. Second, a clock pulse must be present. (See, col. 9, lines 6-22). Thus, the sampling of the measurement signal occurs with the concordance of certain data (*e.g.*, a logic zero and a clock pulse), and this sampling occurs regardless of the intensity of the radiation reflected from the data carrier.

The Examiner alleges that *Gérard et al.* discloses a device for reading and writing information from/onto an optical information carrier, comprising, *inter alia*, the feature that "the sample signal causes the measurement signal to be sampled when said intensity is comparatively high."

Applicant respectfully maintains that *Gérard et al.* does not disclose each and every feature of Applicant's invention as claimed in amended independent claim 1, as is required by 35 U.S.C. §102. Specifically, *Gérard et al.* does not disclose a device for reading and/or writing information from/onto an optical information carrier, where said information is stored in the form of differences in level, the device comprising, *inter alia*, "control means for controlling the imaging means in response to a measurement signal which is indicative of the degree of focusing of the radiation beam at the location of the scanning spot, which control means include sample and hold means for sampling and holding the measurement signal in response to a sample signal, characterized in that **the sample signal causes the measurement signal to be sampled at locations having mutually the same intensitylevel**" (emphasis added). As defined in the specification, "when said intensity is comparatively high" is a condition which occurs when the scanning spot is located at locations which have mutual the same level, such as between grooves and between pits (specification page 5, line 13-14). In this condition, the reflected radiation forms a focused spot which is substantially circular, and which is centered at the geometric center of detector 26 (Figure 3). The novel circuit arrangement disclosed in the application and

embodied by the signal separation means (70) responds to this focused spot location, and the corresponding "comparatively high intensity", to produce a sample control signal (S_{CNTRL}) having a logic value 1. That is, the sample control signal's value is proportional to the intensity level. So, when a given level is exceeded, as determined by the signal separation means, a comparatively high intensity will produce a logic value 1 as the output signal of the signal separation means. This output signal in turn causes the measurement signal to be sampled when the sample control signal has a logic 1.

In contrast, *Gérard et al.* discloses a read/write system in which the intensity of the radiation beam is irrelevant, and only the concordance of ceratin data must occur.

Thus, Applicant respectfully submits that amended claim 1 patentably distinguishes over *Gérard et al.* Withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §103

The Examiner rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over Gérard *et al.* in view of Tateishi.

Since claim 2 depends from claim 1, which Applicant has argued *supra* to be patentable under 35 U.S.C. §102, Applicant maintains that claim 2 is not unpatentable under 35 U.S.C. §103(a). Withdrawal of this rejection is respectfully requested.

Conclusion

Accordingly, based on the preceding arguments, Applicant respectfully submits that claims 1-15, and the entire application, are in condition for allowance and therefore request favorable action. However, should the Examiner believe anything further is necessary in order to place the application in better condition for allowance, or if the Examiner believes that a telephone interview would be advantageous to resolve the issues presented, the Examiner is invited to contact the Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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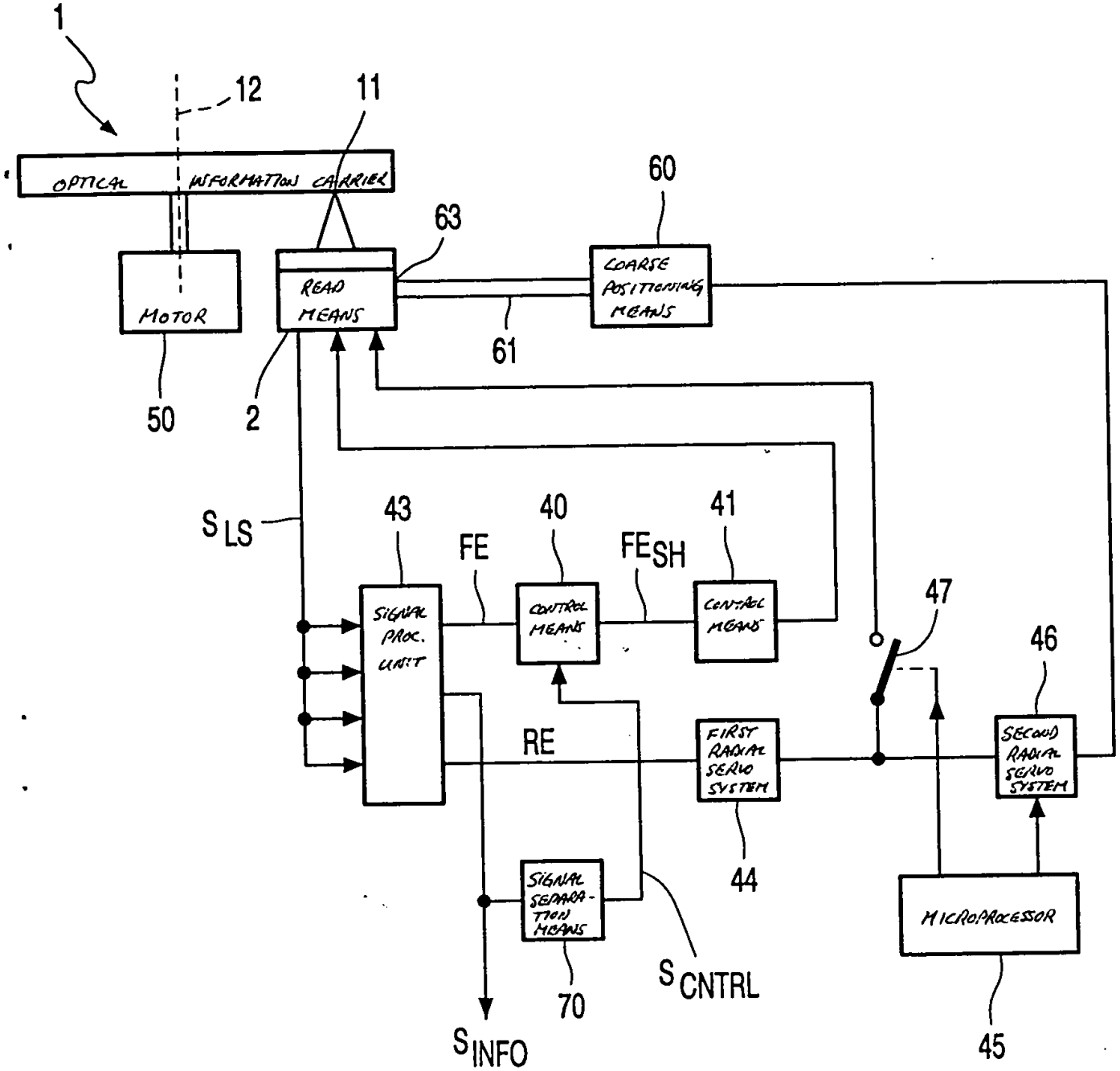

FIG. 1